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## NOTICE OF ALLOWANCE AND FEE(S) DUE

49845

7590

06/22/2010

SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

VIEZIS, JAMES A

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 06/22/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,700	12/11/2003	William R. Watt II	2043.159US1	8671

TITLE OF INVENTION: AUCTION WITH INTEREST RATE BIDDING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/22/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

49845 7590 06/22/2010

**SCHWEGMAN, LUNDBERG & WOESSNER/EBAY**  
**P.O. BOX 2938**  
**MINNEAPOLIS, MN 55402**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	YES	\$755	\$300	\$0	\$1055	09/22/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
VEZERIS, JAMES A	3693	705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-112) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			VIZZERIS, JAMES A	
			ART UNIT	PAPER NUMBER

3693

DATE MAILED: 06/22/2010

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 953 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 953 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/733,700

**Examiner**

JAMES A. VEZERIS

**Applicant(s)**

WATT ET AL.

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an RCE filed 4/29/2010.
2. ☒ The allowed claim(s) is/are 1-5, 8, 9, 14, 15, 26, 29, 32-42, and 45, 46, 51, and 52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/17/2010, 4/29/2010
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

**Detailed Action**

1. The following communication is in response to an RCE filed 4/29/2010 requesting Examiner review IDS submissions. No changes were made to the Examiner's amendment entered 1/29/2010.

**Status of Claims**

2. Claims 10-13, 31, and 47-50 are cancelled.
3. Claims 1-5, 8, 9, 14, 15, 28, 29, 32-42, and 45, 46, 51, and 52 are currently pending.
4. The information disclosure statements (IDS) submitted on 4/29/2010 and 5/17/2010 were filed after the mailing date of the Notice of Allowance on 1/29/2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

**Allowable Subject Matter**

5. Claims 1-5, 8, 9, 14, 15, 28, 29, 32-42, and 45, 46, 51, and 52 are allowed.

**EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Vatuone on Monday, January 4<sup>th</sup> 2010 and again on June 8<sup>th</sup> 2010.

**THE APPLICATION HAS BEEN AMENDED AS DETAILED IN FOLLOWING PAGES:**

1.

A computer-implemented method to set an interest rate for a transacted financial instrument, the method including:

publishing, via a computer network, information regarding the financial instrument and an interest rate at which the financial instrument is offered, the information including a price of the financial instrument;

receiving, via the computer network, offers from respective bidders to transact the financial instrument, the offers being expressed as offered interest rates at which the bidders are willing to transact the financial instrument;

on the termination of a bid receiving process, determining, by using at least one processor, whether at least one of the offers satisfies transaction criteria, defined by a seller of the financial instrument, the bid receiving process being a declining auction and being characterized by reducing the published interest rate at which the financial instrument is offered for sale during the bid receiving process, the reducing of the published interest rate is performed automatically and responsive to a lack of bidding activity; and

if it is determined that at least one of the offers satisfies the transaction criteria, identifying, by using the at least one processor, the at least one of the offers as an accepted offer.

2.

The computer implemented method of claim 1, wherein the information concerning the financial instrument is published from a server computer to a client computer via the computer network.

3.

The computer implemented method of claim 1, further including receiving the information regarding the financial instrument from the seller.

4.

The computer implemented method of claim 1, wherein the information regarding the financial instrument includes one or more of the following: ~~price of the financial instrument~~, details about the financial instrument, maximum or minimum term of the financial instrument, and benefits of purchasing the financial instrument.

5.

The computer implemented method of claim 1, wherein the offers are received ~~from the respective bidders at the server computer~~ from respective client computers operated by the respective bidders.

8.

The computer implemented method of claim 1, wherein the reducing of the published interest rate is ~~performed by the server computer~~ responsive to receipt of a lower interest rate that is lower than the published interest rate.

9.

The computer implemented method of claim 8, wherein the published interest

rate is reduced to be equal to the lower interest rate.

10.

(cancelled)

11.

(cancelled)

12.

(cancelled)

13.

(cancelled)

14.

The computer implemented method of claim 1, wherein the financial instrument comprises at least one of the following:

an interest-paying (IP) financial instrument including one or more of the following:

a bond, a certificate of deposit, an interest-bearing checking account, a savings account, and a money market account; and

an interest-receiving (IR) financial instrument including one or more of the

following: a home mortgage loan, an automobile loan, a personal loan, a student loan, and a credit card.

15.

The computer implemented method of claim 1, wherein the interest rate set by



the seller for the transacted financial instrument comprises at least one of the following:

- a maximum interest rate having a highest interest rate that the seller is willing to pay to a buyer for the IP financial instrument; and
- a minimum interest rate having a lowest interest rate that the seller is willing to accept from the buyer for the IR financial instrument.

31.

(cancelled)

42.

The machine-readable medium of claim 38, wherein the offers are received ~~from the respective bidders at the server computer~~ from respective client computers operated by the respective bidders.

45.

The machine-readable medium of claim 38, wherein the reducing of the published interest rate is ~~performed by the server computer~~ responsive to receipt of a lower interest rate that is lower than the published interest rate.

47.

(cancelled)

48.

(cancelled)

49.

(cancelled)

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50.

(cancelled)

52. (Original) The machine-readable medium of claim 38, wherein the interest rate set by the seller for the transacted financial instrument comprises at least one of the following:

- a maximum interest rate having a highest interest rate that the seller is willing to pay to a buyer for the IP financial instrument; and
- a minimum interest rate having a lowest interest rate that the seller is willing to accept from the buyer for the IR financial instrument.

#### **Reasons for Allowance**

The closest prior art that the examiner has been able to locate is US Patent 6,161,099 to Harrington et al. Harrington provides methods for auctioning municipal bonds over a computer network. Harrington provides an auction based on the price of a bond.

While Harrington teaches many aspects of the applicant's application Harrington fails to teach bidding based on the reduction of the interest of the bond. Further Harrington fails to teach trading based on a published interest rate, rather it teaches trading based on price.

Examiner also would like to discuss US PG-Pub 2005/0033648 to Jin. Jin teaches a system that teaches a falling price auction for goods. However Jin fails to teach trading based on interest rates that fall when there is a lack of bidding.

**The following is a formal statement of reasons for allowance:**

Claims 1, 28, 32, and 38 are allowed because the best prior art of record, Harrington, alone or in combination, neither discloses nor fairly suggest the limitations, in a method, and associated computer readable medium with instruction encoded thereon, and system, for performing a method comprising the steps of:

*publishing, via a computer network, information regarding the financial instrument and an interest rate at which the financial instrument is offered, the information including a price of the financial instrument;*

*receiving, via the computer network, offers from respective bidders to transact the financial instrument, the offers being expressed as offered interest rates at which the bidders are willing to transact the financial instrument;*

*on the termination of a bid receiving process, determining whether at least one of the offers satisfies transaction criteria, defined by a seller of the financial instrument, the bid receiving process being a declining auction and being characterized by reducing the published interest rate at which the financial instrument is offered for sale during the bid receiving process, the reducing of the published interest rate is performed automatically and responsive to a lack of bidding activity and*

*if it is determined that at least one of the offers satisfies the transaction criteria, identifying the at least one of the offers as an accepted offer.*

Claims 2-5, 8, 9, 14, 15, 29, 33-37, 39-42, and 45, 46, 51, and 52 are also allowable for the same reason discussed above, in that they are dependent on allowed Claims 1, 28, 32, and 38. As a final matter any comments considered necessary by

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Applicant must be submitted no later than the payment of the issue fee and; to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. VEZERIS whose telephone number is (571)270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

/JAMES A VEZERIS/  
Examiner, Art Unit 3693

6/9/2010